

## REMARKS

### **I. Amendments**

Claim 23 has been amended. Claims 26-27 have been canceled. Claims 11-16 and 20 have also been canceled, as they were withdrawn from consideration for being directed to non-elected subject matter. The amendment does not add or constitute new matter, and is completely supported by the application as originally filed. Support may be found throughout the specification and in the originally filed claims. For example, support may be found at page 11, line 1 through page 14, line 14 of the specification.

The amendments to and cancellation of claims are made without prejudice to the pending or now canceled claims or to any subject matter pursued in related applications. The amendments and cancellation of claims are not intended to limit the scope of the invention, and are made solely in order to put the claims in condition for allowance in response to the Final Office Action. The Applicant reserves the right to prosecute any canceled subject matter at a later time or in a later filed divisional, continuation or continuation-in-part application.

Upon entry of the amendment, claims 21-25 are pending in the instant application.

### **II. Rejections**

#### ***A. Rejection under 35 U.S.C. § 112, first paragraph***

Claim 23 was rejected under 35 U.S.C. § 112, first paragraph, because, according to the Examiner, the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with this claim. In particular, the Examiner asserts that the specification, while being enabling for a cell isolated from a transgenic mouse having a homozygous disruption of a DEZ receptor gene and exhibiting the phenotype of decreased agility or coordination, does not reasonably provide enablement for a cell isolated from a transgenic mouse having a heterozygous disruption of a DEZ receptor gene, or a tissue isolated from either a homozygous or heterozygous transgenic mouse.

The Applicant respectfully disagrees, and traverses the rejection. However, the Applicant has amended claim 23 in order to place the claim in condition for allowance. Currently amended claim 23, drawn to a cell isolated from a transgenic mouse having a homozygous disruption of a DEZ receptor gene and exhibiting decreased agility or coordination,

is fully enabled by the teachings of the specification, as noted by the Examiner in the Office Action (see Page 3).

As the rejection under 35 U.S.C. § 112, first paragraph, of claim 23 is no longer relevant as a result of the amendment, and claim 23, as currently amended, is fully enabled by the teachings of the specification, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

***B. Rejection under 35 U.S.C. § 103***

The Examiner has stated in the Office Action that claims 1-10 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mansour *et al.*, 1998, *Nature*, 336(24):348-352 (“Mansour”) in view of Methner *et al.*, 1997, *Biochem and Biophys Res Commun.*, 233(2):336-342 (“Methner”) and Murphy *et al.*, 1998, *Current Opinion in Drug Discovery and Development*, 1(2):192-199 (“Murphy”). In light of the Office Action Summary and the text of the Office Action (see Pages 5-6), the Applicant has interpreted that the Examiner intended to reject claims 26-27 instead of claims 1-10 and 19. In any case, Applicant respectfully traverses the rejection. However, in view of the instant cancellation of claims 26-27, or of the previous cancellation of claims 1-10 and 19, the rejection under 35 U.S.C. § 103 is no longer relevant.

As the obviousness rejection is no longer relevant as result of the cancellation of claims 26-27, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103. Applicants believe pending claims 21-25 to be free of the prior art cited by the Examiner.

It is believed that the claims are now in condition for allowance, and notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1271 under Order No. R-173.

Respectfully submitted,

Date: \_\_\_\_\_

8/6/03

*Kelly L. Quast*

\_\_\_\_\_  
Kelly L. Quast, Reg. No. 52,141

Deltagen, Inc.  
740 Bay Road  
Redwood City, CA 94063  
Tel. (650) 569-5100  
Fax (650) 569-5280